

**Amendments to the Drawings:**

Attached hereto is a new drawing sheet for Fig. 6A. It is respectfully requested that the attached drawing sheet be added to the Figures. Fig. 6A corresponds to an embodiment described in the specification as filed at least at page 14, lines 10-22. As such, no new matter has been added.

### REMARKS

The above amendments and these remarks are in response to the Office action mailed September 22, 2005. The Examiner indicated that Claims 23, 29, 38-43, 51-54 and 59-63 would be allowable if amended to include the limitations of all intervening claims. The Examiner further indicated that Claim 12 would be allowable if amended to include the limitations of all intervening claims and to overcome the rejection under §112, Second Paragraph.

Even though the Examiner indicated all of Claims 12, 23, 29, 38-43, 51-54 and 59-63 could be placed in an allowable form, in an effort to expedite allowance of the present application, Applicants have decided to pursue a subset of the indicated allowable claims, namely Claims 24 (formerly Claim 29), 43, 51, 54 and 63. More specifically:

Claims 4-23 have been canceled as duplicative.

Independent Claim 24 has been rewritten to include the limitations of dependent Claim 29. (The Examiner indicated Claim 29 would be allowable if amended to include the limitations of all intervening claims. Claim 29 was dependent on Claim 24. Claim 24 has been amended to include the limitations of Claim 29.)

Claims 25-28 depend on Claim 24.

Claims 30-39 have been canceled as duplicative.

Claim 40 depends on Claim 24.

Claims 41-42 have been canceled as duplicative.

Newly independent Claim 43 has been rewritten to include the limitations of Claim 30. (The Examiner indicated previously dependent Claim 43 would be allowable if amended to

include the limitations of independent Claim 30. Claim 43 has been amended to include the limitations of independent Claim 30, thereby making Claim 43 independent.)

Claims 44 depends on claim 43.

Claims 45-50 have been canceled as duplicative.

Newly independent Claim 51 has been rewritten to include the limitations of claim 4. (The Examiner indicated previously dependent Claim 51 would be allowable if amended to include the limitations of independent Claim 4. Claim 51 has been amended to include the limitations of independent Claim 4, thereby making Claim 51 independent.)

Claims 52 -53 have been canceled as duplicative.

Newly independent Claim 54 has been rewritten to include the limitations of claim 30. (The Examiner indicated previously dependent Claim 54 would be allowable if amended to include the limitations of independent Claim 30. Claim 54 has been amended to include the limitations of independent Claim 30, thereby making Claim 54 independent.)

Claims 55 and 56 have been made to depend on Claims 43 and 51, as amended, respectively.

Claims 57 – 62 have been canceled as duplicative.

Newly independent Claim 63 has been rewritten to include the limitations of claim 30. (The Examiner indicated previously dependent Claim 63 would be allowable if amended to include the limitations of independent Claim 30. Claim 63 has been amended to include the limitations of independent Claim 30, thereby making Claim 63 independent.)

As applicants have amended the above-identified claims in a way that was indicated by the Examiner to be allowable, it is respectfully requested that these claims be passed to issue.

### **Objection to the Specification**

The specification has been objected to for failing to recite the priority information. Applicants respectfully point out that the priority information showing priority back to December 29, 1995 was filed in an amendment on January 30, 2004. A copy of that amendment printed off of the USPTO Patent Application Information Retrieval (PAIR) database is attached hereto as Exhibit A.

### **Objection to the Claims**

Claims 4, 5, 13, 17, 24 and 30 have been objected to as including informalities. These informalities have been corrected and it is respectfully requested that the objection on these grounds be withdrawn.

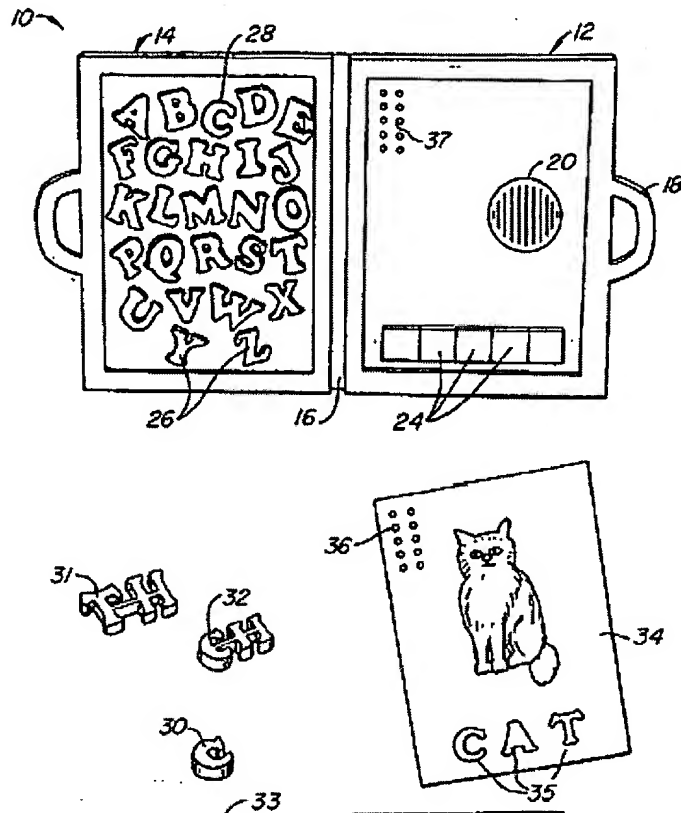
### **Rejection of Claims 10-12 and 35-38 Under 35 U.S.C. §112, Second Paragraph**

Claims 10-12 and 35-38 stand rejected under 35 U.S.C. §112, Second Paragraph. These claims have been canceled, and it is respectfully requested that the rejection on these grounds be withdrawn.

### **Rejection of Claims Under 35 U.S.C. §102(e) and 103**

Original claims 4-5, 9-11, 13-14, 17-19, 21-22, 24-26, 28, 30-31, 35-37, 44-50 and 55-58 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,511,980 to Wood (Wood). Although many of these claims have been amended or canceled, Applicants respectfully submit that each of the recited claims, prior to cancellation or amendment, is patentable over Wood.

Wood discloses a system including five pushbutton keys 24 in combination with cutouts 35 on a card 34. The relevant portions of Figure 1 of Wood are reproduced below for the convenience of the Examiner.



The cutouts 35 on the card 34 force the letters into specific positions on specific pushbutton keys. The child has no option to place a letter anywhere other than its corresponding cutout. If the correct letter is placed in its corresponding cutout, the processor simply indicates that the letter is present.

The following are some of the limitations from the claims, prior to amendment or cancellation, which are nowhere disclosed, taught or in any way suggested in Wood:

- *“the processor enclosed within the housing receiving information from the sensing system corresponding to sensed occurrences of contact by the child on the work platform in response to the question or instruction and using the information to evaluate whether the child’s cognitive selections as indicated by the child caused contacts with the work platform correspond to a correct solution to the question or instruction”.*
- *“at least a portion of a sensing system, the sensing system sensing occurrences of contact caused by the child with the work platform and sending information to the processor corresponding to one or more sensed occurrences of contact and sensing the lateral movement of a child-caused contact across a face of the work platform while the contact is maintained with the work platform and sending information to the processor corresponding to the path of the lateral movement of the child-caused contact across the face of the work platform” .*
- *“a plurality of images presented on the work platform to the [child] to facilitate the interaction between the [child] and educational software, wherein the images presented on the work platform are changed from time to time”.*
- *“a plurality of images presented on the work platform to the [child] to facilitate the interaction between the [child] and ...educational software”.*
- *“a plurality of images presented on the work platform to the [child] ... wherein the images presented on the work platform are changed from time to time” .*

As the above claim limitations are nowhere disclosed, taught or in any way suggested in Wood, it is respectfully submitted that each of these claims are patentable over Wood. Nevertheless, Applicants have amended and canceled claims in the application in order to put the claims in a form that was indicated to be allowable by the Examiner and to expedite allowance of the application.

Applicants further submit that the disclosure of U.S. Patent No. 4,968,255, alone or in combination with Woods, does not support the rejection of original claims Claims 6-8, 15-16, 20, 27, and 32-34 under 35 U.S.C. 103(a).

As applicants have amended the application to recite only subject matter indicated by the Examiner to be patentable, it is respectfully requested that the above-identified application be passed to issue.

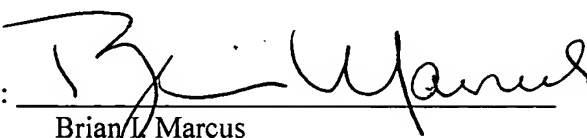
The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: December 12, 2005

By: \_\_\_\_\_

  
Brian L. Marcus  
Reg. No. 34,511

VIERRA MAGEN MARCUS HARMON & DENIRO LLP  
685 Market Street, Suite 540  
San Francisco, CA 94105-4206  
Telephone: 415-369-9660  
Facsimile: 415-369-9665

# EXHIBIT A



# **TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

Application Number 10/748,482  
Filing Date December 29, 2003  
First Named Inventor Warren S. Heit  
Art Unit 3714  
Examiner Name Rovnak, J.  
Attorney Docket Number

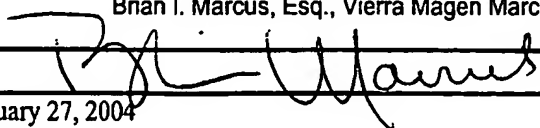
Total Number of Pages in This Submission

## **ENCLOSURES (Check all that apply)**

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|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Postcard |
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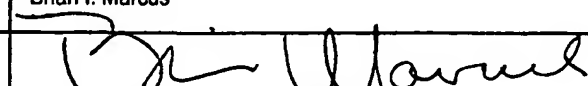
Remarks

## **SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name Brian I. Marcus, Esq., Vierra Magen Marcus Harmon & DeNiro LLP  
 Signature   
 Date January 27, 2004

## **CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name Brian I. Marcus  
 Signature  Date January 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Priority Application

**PATENT APPLICATION**

Inventors: Warren S. Heit  
Brian I. Marcus



Art Unit: 3714

Application No.: 10/748,482

Examiner: Rovnak, J.

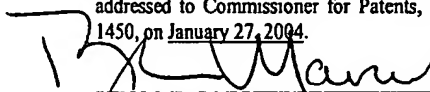
Filed Date: December 29, 2003

Customer No.: 28554

Title: AN ELECTRONIC EDUCATIONAL TOY  
APPLIANCE HAVING A TOUCH  
SENSITIVE SURFACE

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 27, 2004.

  
(Attorney Signature)  
Brian I. Marcus, Reg. No. 34,511  
Signature Date: January 27, 2004

**AMENDMENT**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please amend the above-identified application as follows:

Amendments to the specification begin on page 2 of this Amendment.

Remarks begin on page 3 of this Amendment.

Please amend the above-identified application by adding the following beginning at the first line on page 1 of the application:

-- The present application is a continuation of U.S. Patent Application Serial No. 10/260,965, filed September 30, 2002, currently pending;

which is a continuation of U.S. Patent Application Serial No. 09/127,111, filed July 31, 1998 and issued as U.S. Patent No. 6,464,503;

which is a continuation of U.S. Patent Application Serial No. 08/890,294, filed July 9, 1997 and issued as U.S. Patent No. 5,823,782;

which is a continuation of U.S. Patent Application Serial No. 08/581,437, filed December 29, 1995, now abandoned. --